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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Arnoldus Werner Johannes Oomen

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12/21/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PATEL, GAUTAM

ART UNIT

PAPER NUMBER

2656

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/787,339

Applicant(s)

OOMEN ET AL.

Examiner

Gautam R. Patel

Art Unit

2656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 12-26, 28 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 27 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to Arguments**

1. This is in response to Arguments filed on 10-28-05.
2. claims 1-11 and 27 remain for examination. Claims 12-26 and 28-29 were withdrawn from further consideration as non-elected claims.

### **Election/Restriction**

3. Claims 12-26 and 28-29 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. The Applicants are urge to cancel non-elected claims 12-26 and 28-29.

### **NOTES/REMARKS**

4. The examiner to thank the Applicants for pointing out few typographical errors and correctly interpreting the rejection. The typographical errors are corrected below. Rejection is maintained.

### **Claim Rejections - 35 U.S.C. § 103**

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Timmermans et al., US. patent 5,724,327 (hereafter Timmermans) in view of Maejima et al., US. patent 6,850,622 (hereafter Maejima).

As to claim 1, Timmermans discloses the invention as claimed [see Figs. 1-8, especially 1-2 and 4], including a record carrier and a first physical parameter and a second parameter comprising:

A record carrier carrying signals and one signal being recorded in a first channel using a first physical feature on said record carrier, said first physical feature on said record carrier and another portion being recorded in a second channel using a second physical feature on said record carrier different from said first physical feature [col. 3, line 39 to col. 4, line 8].

Timmermans discloses all of the above elements, including first and second physical features [parameters]. Timmermans also clearly discloses system of this type [his system] stores audio data [see col. 1, lines 27-33]. Timmermans does not specifically disclose details of the type of this data signal, [such as stereo signal or multi-channel signal] being recorded or how it is arranged on the record carrier to the extent claimed.

However, all kind of data signal are inherently recorded on the disc [since that is the purpose of the disc] and almost all audio signals has stereo signal or multi-channel signal on a recording carrier. How these signals are arranged is not patentable as such. Also more importantly Maejima clearly discloses:

the separating and combining the stereo signal and data signal [multi-channel surround signal] as need arises [col. 2, lines 37-50 and col. 4, lines 9-54].

Both Timmermans and Maejima are interested in providing the better arrangement of data on a disc for recoding and reading.

One of ordinary skill in the art at the time of invention would have realized that when audio data is recorded in the system of Timmermans [which Timmermans discloses], one would be motivated to record data with minimum circuits and with maximum quality of sound by simply putting different data in different channels and combining as the need arises.

Therefore, it would have been obvious to have provided a sound field correction circuit in the system of Timmermans as taught by Maejima because one would be motivated to record and reproduce a stereo signal, a multi-channel signal [surround signal ] with minimum decoding circuit, thus reducing the size and cost of the entire system [col. 2, lines 55-65; Maejima].

6. Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Timmermans & Maejima as applied to claim 1 above, and further in view of Moskowitz et al., US. patent 5,889,868 (hereafter Moskowitz).

As to claim 2, Timmermans & Maejima discloses all of the above elements, including combining first data portion with stereo signal. The combination does not specifically disclose that combination first portion and stereo signal is done by using buried data techniques to the extent claimed.

However buried data techniques are well in the art for a long time and more importantly Moskowitz clearly discloses that it is known in the art to use buried data techniques for combining different audio signals [col. 8, line 65 to col. 9, line 30].

All Timmermans, Maejima and Moskowitz show techniques for manipulating data in most efficient way.

One of ordinary skill in the art at the time of invention would have realized that the insertion of data into known channel would increase the size of the channel and it would be advantageous to insert the new data or information into the channel such that it will leave no perceivable artifacts in the content signal.

Therefore it would have been obvious to have used the buried data techniques in the system of Timmermans & Maejima as taught by Moskowitz because one would be motivated to reduce artifacts in the content signal, while prescribing the exact location of the information in the system of Timmermans and Maejima and provide better signal controls, improve addressing capability and save space on the disk [col. 9, lines 10-15; Moskowitz].

7. The aforementioned claim 3, recites the following elements, inter alia, disclosed in Maejima:

the data signal comprises a data compressed multi-channel extension signal being a representation of a multi-channel extension signal [col. 2, lines 37-50 and col. 4, lines 9-54].

8. The aforementioned claim 4, recites the following elements, inter alia, disclosed in Maejima:

the multi-channel extension signal comprises a center channel signal [col. 2, lines 37-50 and col. 4, lines 9-54].

9. The aforementioned claim 5, recites the following elements, inter alia, disclosed in Maejima:

the multi-channel extension signal comprises a surround left signal and a surround right signal. [col. 2, lines 37-50 and col. 4, lines 9-54].

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10. The aforementioned claim 6, recites the following elements, inter alia, disclosed in Maejima:

the data compressed multi-channel extension signal is a perceptually encoded representation of the multi-channel extension signal. [col. 2, lines 37-50 and col. 4, lines 9-54].

11. The aforementioned claim 7, recites the following elements, inter alia, disclosed in Maejima:

first portion represents a partial representation of the multi-channel extension signal. [col. 2, lines 37-50 and col. 4, lines 9-54].

12. The aforementioned claim 8, recites the following elements, inter alia, disclosed in Timmermans:

said first physical feature is represented by first variations of a first physical parameter of the record carrier and said second physical feature is represented by second variations of a second physical parameter of the record carrier, said second physical parameter differing from said first physical parameter [col. 3, line 39 to col. 4, line 8].

13. The aforementioned claim 27, recites the following elements, inter alia, disclosed in Timmermans:

said first physical feature further comprises a first optically detectable indicia within the record carrier and said second physical feature further comprises a second optically detectable indicia different from said first optically detectable indicia [col. 3, line 39 to col. 4, line 8].

14. Applicant's arguments filed on 10-28-05 have been fully considered but they are not deemed to be persuasive for the following reasons.

In the REMARKS, the Applicant argues as follows:

A) That: "The Applicants, respectfully, point out that there is no disclosure or suggestion within Maejima for adapt signal as defined by rejected Claim 1 that includes a first portion and a

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remaining portion. Furthermore, there is no disclosure or suggestion within Maejima for the first portion being combined with the stereo signal to obtain a composite signal that is recorded using the first physical feature” [page 8, paragraph 1; REMARKS].

FIRST: Lets us clarify one more time what Timmermans teaches and what Maejima teaches. Timmermans is used for audio data recording in a two different fashion. While Maejima is used for type of data or in other words details of this kind of audio data such as stereo or a multi-channel data signal. The arrangement and combination of data is already shown by Timmermans and type of data is shown by Maejima. The combination presents the desired invention not each one of them individually.

SECOND: As to the reason for combination, the Examiner stands by his reason for combination as presented.

B)That; “Claim 2 is rejected in view of ...however t assumed by the Applicants that the Examiner is referring to U.S. patent No. 5,889,868 ..” [page 8, paragraph 2; REMARKS].

The Applicants are correct, a typographical error was made regarding claim 2. The claim 2 should have been properly rejected as Timmermans & Maejima as applied to claim 1 above in view of Moskowitz.

#### **Allowable Subject Matter**

15. Claims 9-11 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

NOTE: Claims 9-11 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a record carrier carrying a stereo signal and a data signal and has first channel and second channel which includes “composite signal in the first channel and the remaining portion in the second channel being obtained by n to m channel modulation of the composite signal into sequence of m-bit channel words, insertion of ‘p’ merging bits between said m-bit channel words, and said merging bits being modified in

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response to said remaining portion; also that this composite signal is obtained by processing the composite signal into sequence of q byte blocks, insertion of a 'r' byte sub-code between said q byte blocks, at least one bit of said 'r' byte sub-code being obtained in response to said remaining portion". It is noted that the closest prior art, Timmermans shows a similar apparatus which has two separate channels and Maejima discloses stereo and multi-channel signals. However combination fails to disclose details of merging bits as disclosed above.

16. **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

#### **Contact Information**

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is 703-872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hoa Nguyen can be reached on (571) 272-7579.

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.



**GAUTAM R. PATEL  
PRIMARY EXAMINER**

Gautam R. Patel  
Primary Examiner  
Group Art Unit 2655

December 15, 2005